

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Case No. 23-cv-02880-JSC

**ORDER RE: NINTENDO'S MOTION
FOR A PROTECTIVE ORDER AND
FTC'S PROPOSED FINDINGS**

Dkt. No. 266

Non-party Nintendo of America Inc. (“Nintendo”) moves for a protective order “to keep sealed” information designated confidential in Plaintiff FTC’s initial proposed findings of fact and conclusions of law (Dkt. No. 175). (Dkt. No. 266.) Nintendo asserts and the record supports that the FTC did not file the requisite motion requesting to seal another party’s material. (*Id.* at 2.)

A protective order is insufficient to establish that a portion of a document is sealable. *See* Civ. L.R. 79-5(c). Further, a protective order is unnecessary as the FTC filed a partially redacted version of the document and Nintendo has made no argument that any of the unredacted material is confidential. *See* Dkt. No. 266 (requesting “[its confidential] information to remain redacted on the Court’s public docket”). Accordingly, the Court DENIES Nintendo’s request for a protective order.

The FTC is ORDERED to indicate where in the record it has requested to seal information in its proposed findings (Dkt. No. 175) or to file a motion in accordance with Civil Local Rule 79-5(f) one week from the date of this order.

This Order disposes of Docket No. 266.

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IT IS SO ORDERED.

Dated: July 24, 2023


JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California